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Wong Cabello Lutsch Rutherford & Brucculeri
20333 SH249, Suite 600
Houston, TX 77070

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OFFICE OF PETITIONS

In re Application of :
Elisabetta Vegeto :
Application No. 09/465,133 :
Filed: December 15, 1999 :
Attorney Docket No. 213-0041US :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 2004, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 11, 2003, which set a shortened statutory period for reply of three months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 12, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950 extension of time submitted with the petition on January 5, 2004 was subsequent to the maximum extendable period for reply, the extension of time is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center AU 1636.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy